

## MEMORANDUM OF LAW

yymmdd

DATE: August 8, 1989

TO: The Honorable Mayor Maureen O'Connor

FROM: City Attorney

SUBJECT: Potential Conflict of Interest/Item 340 of  
Council Agenda of August 8, 1989 and Ownership  
of Four Properties

This is in response to your Memorandum of August 4, 1989 asking for our opinion on a potential conflict of interest you face with respect to Item 340 on the Council agenda of August 8, 1989 arising out of your ownership of four (4) residential properties.

Part of the proposed action is to classify certain properties in large areas of La Jolla, Mira Mesa, State University, Tierrasanta and Uptown as "protected single family neighborhoods." The proposed action is also in part to classify certain properties in large areas of the Linda Vista, Otay Mesa-Nestor and Peninsula communities as "single family neighborhoods." Some rezonings and plan amendments are proposed for this latter group.

You own four (4) properties in the following locations that are at issue here: 311 Dunemere (La Jolla), 567 Gage Lane (Point Loma), 3011 Hugo Street (Point Loma), and 3565 Seventh Avenue (Uptown).

Through information provided by Bill Levin, Planning Department, on August 7, we have also learned that the three properties on Dunemere, Gage and Seventh are currently zoned single family residential. Mr. Levin also determined that the property on Hugo Street is most likely zoned multi-family residential, assuming that this property is located east of Evergreen. (He was unable to determine the precise zoning of this property because of the short time available to research this question.) All of the properties above are within areas scheduled to be classified as either "protected single family neighborhoods" or "single family neighborhoods."

If the Council action on Item 340 may reasonably foreseeably result in a material financial effect on the above four properties, which differs from the effect on the public generally, then you are disqualified from participating in or voting on the matter. The phrase "material financial effect" has been clarified in regulations adopted by the Fair Political

Practices Commission (FPPC) last fall. (2 California Code of Regulations 18702 through 18702.6.) A copy of these regulations is attached for your convenience. See especially Regulation 18702.1(a)(3) and 18702.3 regarding material financial effects arising from ownership of real property.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

CCM:jrl:048(x043.2)

Attachments

cc Bill Levin

ML-89-79